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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-seventh session

SUMMARY RECORD OF THE 1427th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 18 August 2000, at 10 a.m.

Chairman: Mr. SHERIFIS
Later: Mr. FALL
(Vice-Chairman)

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 3) (continued)

Fifteenth periodic report of Norway (continued) (CERD/C/363/Add.3)

1. At the invitation of the CHAIRMAN, the members of the delegation of Norway resumed their places at the Committee table.

2. Mr. WILLE (Norway), replying to members' questions and comments, said that Norway considered the periodic reports to be a cornerstone of the international process for the monitoring of human rights and the Committee's concluding observations and the records of the meeting would certainly be made available to the public. He also informed the Committee that the Ministry of Local Government and Regional Development and the Directorate of Immigration would be holding a seminar in October 2000 to discuss the results of the examination of the report as well as the recent report of the European Commission against Racism and Intolerance (ECRI).

3. With regard to the recommendation that a reference to racism should be included in the Constitution, he pointed out that, as the oldest Constitution in Europe, the Norwegian Constitution was considered a national symbol and there was great reluctance to make amendments, the procedure for which was very cumbersome. Although some provisions were archaic, interpretation had been adjusted to meet the requirements of modern society. He would, however, raise that issue in the context of the current internal debate on constitutional reform. It was true that there had been no amendments concerning the prohibition of racist organizations and he referred the Committee to previous discussions on that issue during consideration of Norway's periodic reports. With regard to the delicate matter of freedom of speech, to which Norwegians were very attached, as against the protection of persons against racist statements, a report from a law commission on freedom of speech was currently being followed up and the Government had also appointed a law commission to present proposals for an act against ethnic discrimination. International human rights obligations had been emphasized as a cornerstone for the work of both law commissions, and the Kjuus Supreme Court case had already shown that racist statements made in a political context could in fact be interpreted as violations of the Penal Code.

4. Regarding measures to prevent discrimination in access to restaurants and other such facilities, doormen were required to take special courses and the Oslo police had issued guidelines for handling such problems. As to whether there were private schools managed by national minorities, he referred members to paragraph 85 of the report concerning the right to establish private schools and to receive State grants. Most private schools were religious schools or specialized schools; a Muslim school had been established recently and was receiving State grants, but he was not aware of any private schools managed by national minorities. On another question, he informed the Committee that the term "Civil Penal Code" was used simply to distinguish it from the military penal code.

5. Turning to policy on the Sami people, he recalled that the Sami had been recognized as an indigenous people having the right to special protection. In the past, however, they had been subjected to a long-standing assimilation policy which had been detrimental to their culture and language; as a result, many had received inadequate schooling and poor health and legal services and suffered discrimination in the areas of land ownership and the right to engage in commercial activities. The situation had, however, changed considerably in recent decades. Proposals by a committee appointed in 1980 to study the legal rights of the Sami people had resulted in the adoption in 1987 of Act No. 56 relating to the Sami people and in 1988 of article 110 (a) of the Constitution, which established the responsibility of the authorities to create conditions enabling the Sami people to safeguard their language, culture and way of life. The Sami Act included administrative and language provisions to ensure compliance with the Constitution. It had also established the Sami Parliament, democratically elected by the Sami people, who also had the right to participate fully in all other elections. The Government wished to provide the Sami Parliament, initially an advisory body, with broader powers in areas such as education, business development, language and culture. That Parliament participated in a Ministry of Foreign Affairs liaison unit and an interministerial working group on issues relating to international indigenous peoples. The Sami language had also been granted equal status with Norwegian, the aim being to enable Sami to be used in dealings with the administration and to promote bilingualism in the administrative area concerned.

6. The Sami Rights Commission had 17 members, of whom at least 7 were Samis appointed by organizations representing Sami interests. As stated in the periodic report (para. 57), the Commission's 1997 report had been circulated to the authorities and non-governmental organizations (NGOs); much material had been received as a result and required further study. An interministerial working group and secretariat had been established to propose follow-up legislation to the Government but no bill was expected before 2002. A smaller group had also been created to consider relevant international law in that area. The Government had made follow-up to the Commission's report a priority and had allocated extensive resources to it. The International Labour Organization (ILO) Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169, 1989) had entered into force in Norway in 1991 and was a key element in Sami policy.

7. Immigration policy had in fact been liberalized, not tightened. New criteria for the granting of asylum had been instituted in 1990, including persecution by non-State actors and discrimination on grounds of sex and sexual orientation, and all asylum-seekers were given the benefit of the doubt. Humanitarian guidelines on the granting of residence permits had been liberalized in 1999 and family reunification had been made easier; for example, children up to the age of 21 living in Norway could request unification. It was also easier for abused women to obtain residence permits and it had been made more difficult to expel foreigners with children. The refugee quota had been increased from 1,000 to 1,500 in 1998, the second largest number in Europe and the largest per capita. There were also new guidelines on the questioning of children in asylum cases. Persons being deported had to be certified medically fit to travel and voluntary DNA testing was available in cases of Family reunification, which could be helpful for persons coming from areas where documentation was difficult to obtain. Fewer asylum-seekers in general were being kept in detention. In addition, a White Paper review of asylum and refugee policy was under way.

8. Ms. TVEITEN (Norway), responding to questions on the status of the Convention in Norwegian law, said that international law was not automatically applicable, a specific act of legislation being necessary for a convention to apply as statutory law. One possibility was to adopt a law which would simply refer to the convention in question and give it status as domestic law; that had been the method chosen for the Human Rights Act of 1999 which had incorporated the European Convention on Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. In other cases, conventions or parts of conventions were translated and adapted to relevant Norwegian legislation; a third method was to study existing domestic law to ascertain whether domestic legislation was in harmony with the convention in question. Even if a convention to which Norway was a party did not have status as a domestic law, the courts interpreted Norwegian legislation in such a way as to conform to international obligations, which were often invoked and commented on in depth in judgements. Although the International Convention on the Elimination of All Forms of Racial Discrimination had not been given domestic status, many of its provisions were reflected in Norwegian law, in particular in the Penal Code, including the provision on racist statements (section 135 (a)), prohibition of the refusal of goods or services based on a person's race or ethnic origin (section 349 (a)) and the principle of equal treatment under the law. The latter principle meant, for example, that Government authorities could not take decisions on the basis of racial origin. Section 110 (a) of the Constitution provided for better protection of human rights in general, including the Convention, and the Human Rights Act had the stated purpose of strengthening human rights. The three conventions included in the Human Rights Act were the three most general conventions, covering the broadest range of human rights issues. The European Convention on Human Rights had a special status and had added weight on account of the detailed rulings of the European Court of Human Rights. The International Convention on The Elimination of All Forms of Racial Discrimination might be added to the Human Rights Act in the future; that question would be studied by the law commission established to consider human rights issues, and, in the final analysis, by Parliament.

9. With regard to court cases which had involved issues of racial discrimination, the most significant case had been the 1997 *Kjuus* case before the Supreme Court in which section 135 (a) of the Penal Code regarding racist statements had been used to convict the leader of a small political party who had invoked freedom of speech as protected in the Constitution. She could not comment on the minority view, noted by Mr. Banton, upholding the right of freedom of speech.

10. Some concern had also been expressed that the application of existing sections of the Penal Code was not a priority for public prosecutors. In keeping with the high priority given by the authorities to combating racism, in particular racially motivated crimes, a survey of prosecution practices relating to sections 135 (a) and 349 (a) of the Penal Code had been undertaken. There had been relatively few prosecutions and convictions based on those two sections, in large part because it was often difficult to provide sufficient evidence to meet the strict evidentiary requirements under penal law. The small number of prosecutions did not, however, imply that such cases were given a low priority. In fact, penal provisions which made racist motivation an aggravating circumstance in crimes involving violence and vandalism had been applied in a number of cases. The Law Commission on an Act to Combat Ethnic Discrimination had been mandated to decide whether, and how, to strengthen legal protection

against ethnic discrimination, what sanctions, including civil damages, could be imposed and how best to ensure effective enforcement of the regulations. Furthermore, although there were relatively few prosecutions under sections 135 (a) and 349 (a), those provisions played an important role in that they were often referred to in the context of the public debate on discrimination issues.

11. The purpose of the teaching of "Christian knowledge and religious and ethical education" referred to in paragraphs 82 to 84 of the report was to provide pupils with knowledge of various religions and philosophies of life, but not to preach or inculcate one specific religion. Parents could ask for their children to be excused from those parts of lessons which they believed to be in conflict with their own beliefs. No general exemption was allowed, however, because it was deemed important that, as far as possible, all students should be integrated into the same classroom and study and learn together, with a view to increasing understanding and tolerance, which was especially important in an increasingly diverse society.

12. Her Government acknowledged the Committee's concerns regarding the inadequacy of its housing and labour legislation. It was aware that the legislative changes described in the report (paras. 101-104) had not been sufficient to fill the gap demonstrated by the recent Supreme Court decision on housing, which had prompted the establishment of the Law Commission on an Act to Combat Ethnic Discrimination, now specifically mandated to look into housing regulations.

13. The 1998 amendment to section 55 A of the Working Environment Act (report, para. 90) was still very recent, and its effects could not yet be assessed. The Government had, however, received useful information from the Centre for Combating Ethnic Discrimination, and it seemed that the legal costs involved deterred complaints. That problem would likewise be dealt with by the Law Commission. There were means other than legal measures that could improve the entry of immigrants into the labour market. Specifically, the Government had adopted a Plan of Action for Recruiting Persons with an Immigrant Background to the State Sector (report, para. 98), and the authorities were cooperating with employers' organizations in the private sector as well to promote recruitment. In addition, the Government offered various training courses, including language courses. All immigrants could receive 850 hours of free language training, and more in the case of illiterates, in order to help them enter the labour market. It was true that African immigrants had special problems, in part because they had been the latest to arrive. She agreed, however, that it could not be excluded that some discrimination occurred.

14. Ms. BAKKEN (Norway) said that her Government was aware that the lack of monitoring was a problem. It had been seeking a suitable monitoring method for some time, but the solution would not be easy, for it was generally not permitted to register anyone on ethnic grounds in Norway, the aim being to avoid having such information misused to stigmatize individuals.

15. As indicated in the report (para. 98), the Ministry of Defence had presented a Plan of Action in 1998 for Increasing the Recruitment of Persons with an Immigrant Background to the Defence Forces, and since then the Ministry, in cooperation with labour organizations in the sector, had developed a system to monitor the effectiveness of the Plan. If the system worked, it would serve as a model for other organizations. Also, one of the mandates of the Centre for Combating Ethnic Discrimination was to document and monitor the nature and scope of racial

discrimination in the country and to prepare annual reports, which would supplement those prepared by the Directorate of Immigration on the situation in local communities and those from NGOs. A status report on the Plan of Action to Combat Racism and Discrimination (report, para. 11) had been submitted in the spring and the Plan's effectiveness would be evaluated at the end of the year.

16. Young people from both minority and majority backgrounds had been targeted in the 1996 survey by a Norwegian research organization on the situation of young people in Oslo (report, para. 50). The conclusion had been that only a small number of juvenile criminals - no more than 5 per cent - were responsible for the bulk of the crime. The most likely contributing factor to juvenile delinquency seemed to be a lone-parent background: young people living with both parents or from non-Western immigrant groups most often fell into the law-abiding category.

17. The standard of living in reception centres for asylum-seekers was low, but adequate. Recent research identified the main problem as being the fact that they stayed too long; and an effort was being made to shorten the time.

18. On the question of national minorities, Norway, as a party to the Framework Convention for the Protection of National Minorities, had determined that the criteria for qualifying as national minorities had been satisfied in its territory by the Sami, the Kven people of Swedish descent in the north of the country, the Skogfinn or forest Finns in the south, the Romani/Travellers, the Roma and the Jewish people. The latter had at their own request been considered a national minority with an ethnic identity, as had all the others. The background of the Roma people, who had come into many European countries from the Indian subcontinent, was well known and distinct from that of the Romani people, who themselves disagreed as to their origin, some of them claiming to be Tatars, with whom, indeed, they had linguistic affinities. It was difficult to give numbers for the Romani since they feared being monitored, but there were perhaps 5,000 or 10,000 in all, although fewer than that were represented in Romani organizations. There were only about 400 Roma, living in the north, as well as a small group newly arrived from the Balkans.

19. Ms. VARDØY (Norway) said that the new Appeals Board for Asylum and Immigration Cases (report, para. 15), would come into operation in early 2001. Its status as a quasi-judicial body would probably make its decisions more readily acceptable by aliens. The Appeals Board would handle all appeals and would receive instructions from the Ministry of Foreign Affairs only where security or foreign policy interests came into play. Its Director would be appointed for six years, with possible reappointment once. The 16 appeals boards throughout the country would each have a chairman appointed for four years, with possible reappointment once, and all must be experienced judges. Each chairman would be assisted by four laymen - citizens between the ages of 18 and 70 who volunteered their services - nominated for a four-year term by the Ministry of Local Government and Regional Development, the Ministry of Foreign Affairs, the Norwegian Association of Lawyers, and various NGOs working in the field, with the Ministry of Foreign Affairs proposing the final appointments. When handling an immigration case, each board would hold a meeting comprising the chairman and one layman from each list, and decisions would be taken by majority vote. Board meetings were secret, but appellants and their lawyers had a right to be present when their cases were heard. Decisions could be made by a

board chairman alone in cases that were manifestly unfounded or where it was obvious that the decision of the Directorate of Immigration had to be reversed. The Appeals Board secretariat had a staff of about 90 that would prepare cases for the various boards. With regard to Sweden's experience leading it to reconsider its Appeals Board system, she noted that many cases in Sweden had been settled by a board chairman alone, whereas in Norway appellants would come before an entire meeting of experts. It was too early to say how the system would function, but the appeals boards would more generally be giving claimants the benefit of the doubt than was the case currently.

20. Mr. ØSTBØL (Sweden), referring to the prison system, said that 1999 statistics showed approximately 2,300 inmates in Norwegian prisons, 94 per cent of them Europeans and 85 per cent of them Norwegian citizens, 3 per cent from Asia and 2 per cent from Africa, with a few from countries in the Americas and from New Zealand. The detention conditions of aliens and members of linguistic minorities had been addressed in a 1997-1998 White Paper to Parliament, which had concluded that language was a particularly serious problem; therefore, whenever possible, the prisons offered training in Norwegian and English. Another problem was their isolation from Norwegian society, and the prisons made efforts to arrange visits and allow special leave. The prison system in Norway was based on the principle of equal treatment and non-discrimination as would be the New Prison and Probation Service Act. Special prisons for aliens and members of linguistic minorities were therefore not contemplated.

21. The incident in which a hospital had refused to admit an individual because he was an alien illustrated how important NGOs were in the struggle against discrimination. The Attorney-General had been unable to bring charges because of the lapse of time limits but had criticized the police and urged the prosecution service to be more alert to such cases. The county medical officer, on the other hand, had reacted by instructing the hospital to change its unacceptable internal guidelines on the admission and treatment of patients, and the hospital had complied. According to Norwegian law, all individuals living in Norway had the right to basic health care regardless of gender and ethnic background; and that principle would be strengthened in the new Patient's Rights Bill that would probably enter into force the following year. Regarding blood transfusions, the National Health Control Authority had in 1997 adopted guidelines that mandated the use of safe blood products and the use of only donors who were healthy and were not carriers of infectious diseases. Since infectious diseases prevalent in different countries varied, the guidelines stressed the geographical background of donors: individuals born outside certain Western European countries, the United States, Canada, Australia or New Zealand - all of which had similar epidemiology to Norway - were excluded, as were persons who had lived outside those countries for more than a year. Race or ethnic background were irrelevant.

22. Mr. RECHETOV thanked the delegation for its exceptionally informative reporting, and especially for its very complete account of the recognized national minorities, towards which Norway seemed to be taking a very equitable approach. In its next report, it would be helpful if the Government gave specific examples of how the Convention had been invoked in the courts.

23. Mr. PILLAI said that he had especially appreciated the detailed information provided on the specific case he had referred to, a case that highlighted the responsibilities of doctors, hospital authorities, law-enforcement officials, the media and NGOs in avoiding racial discrimination. He wondered to what extent the Government used such case studies in its awareness-training courses.

24. Mr. BANTON said that he had not been persuaded by the delegation's response regarding blood donations, and asked for a more systematic account in the next report, perhaps in an annex.

25. Mr. SHAHI suggested that in the next report some explicit recognition could be given to the Convention and its relation to domestic law, including penal law, since the enactment of statutory legislation was a Convention requirement. In addition, he hoped that the Law Commission would propose legislation that more fully reflected the provisions of the Convention with regard to freedom of expression and opinion which, in the view of the Committee, were not inconsistent with Norwegian traditions, as indicated in the Committee's General Recommendation XV.

26. In his view a general exemption from religious instruction might actually carry less stigma than having pupils making explicit individual requests for exemption. On the other hand, immigrant communities would benefit from learning about all aspects of Norwegian culture, including religion.

27. Ms. JANUARY-BARDILL (Country Rapporteur) commended the comprehensive responses provided and the State party's willingness to address the Committee's concerns, as demonstrated by the constructive dialogue. Among the many positive aspects to be noted was the establishment in 1998 of the Centre for Combating Ethnic Discrimination, clearly a very able and professional body judging by the quality of its shadow report. The Norwegian Government should continue to give it full support so as to ensure that the Centre operated as a valuable partner monitoring progress in racial justice and maintaining an independent identity.

28. By contrast, the Committee was concerned about the absence of specific anti-discriminatory legislation. Similarly, the status of the Convention should be enhanced within Norway's domestic laws. The Committee was encouraged by the introduction of the Human Rights Act and the fact that new legislation now incorporated, inter alia, the European Convention on Human Rights. It was to be hoped that the Act would become a protective mechanism, as had been explained by Mr. Banton. The latter's plea for the promotion and development of civic rather than criminal mechanisms also required further exploration, just as it was necessary to explain to citizens the exact meaning of racial discrimination.

29. The State party's Gender Equality Act defined discrimination on the grounds of ethnicity. Norway had made great efforts to promote gender equality and similar measures should be taken regarding racial and ethnic equality.

30. With regard to the Civil Penal Code, the responses provided were not convincing since reference had been made to racist labelling rather than to the structural inequalities of institutions. Unless appropriate legislation were adopted to provide protection against

discrimination, housing agencies in Norway would continue to violate the terms of the Convention. Likewise, employers would continue to deny people their right to work. Health institutions would take liberties in promoting racist practices and policies, schools would fail to address harassment adequately and the media would continue to misrepresent minority groups. Moreover, political parties would continue to abuse the constitutional right to free speech.

31. The Committee commended Norway's stance on the issue of asylum-seekers, in particular the improved asylum services provided. It looked forward to the establishment of an effective Appeals Board and appreciated the explanations given about the Board.

32. Young people needed to be free to develop their potential and to enhance their self-esteem. The policy of stopping and searching young people constituted a violation of their rights and also appeared to be uncharacteristic of Norwegian society.

33. In general terms, Norway appeared capable of doing much more to deal with the issue of racial discrimination. Although the reluctance of countries to admit the existence of such discrimination was understandable, in a country which had a record for peacemaking and peacekeeping and had made great efforts to address gender inequalities, the reluctance to acknowledge the phenomenon of racial discrimination had two effects: it both denied and negated the experiences of the victims, and it could also inadvertently create complacency and obscure the issue under consideration. If a clear picture of existing realities were not provided, any representation of current race relations would be similarly unclear and even distorted. The State party was therefore urged to monitor and record incidents of racial discrimination where and when they occurred, together with the methods used to deal with them. Some form of documentation should also be published as part of Norway's profiling exercises.

34. Adequate monitoring would also highlight the successful application of the Civil Penal Code, especially sections 135 (a) and 349 (a). The argument that minority groups were not labelled was unconvincing since such groups had been stigmatized. Without monitoring, it would be impossible to ascertain whether the Government's Plan of Action to Combat Racism and Discrimination in its new recruitment drive was successful. It was hoped that the State party had established mechanisms to combat racism because that phenomenon was offensive to Norwegian people and to the national Government, rather than because it was upsetting to minority communities. The Committee's major concern related to institutional racism and ethnic discrimination, the structural and political aspects of which were the most worrying. The issues of greatest concern would be reflected in the Committee's concluding observations, which should be used to further Norway's efforts to deal with the problems which still existed.

35. Mr. WILLE (Norway) said that the Committee's examination of his country's report had been fair and that the comments and ideas put forward would be used in the discussions conducted at national level and in the preparation of new laws. Norway looked forward to receiving the Committee's concluding observations which, together with the summary records of the meetings, would be discussed at a ministerial seminar to be held in October 2000.

36. The CHAIRMAN commended Norway on its written report and oral presentation. The dialogue conducted had been both fruitful and substantive.

37. Mr. Fall, Vice-Chairman, took the Chair.

Draft concluding observations on the fourteenth periodic report of Nepal (CERD/C/57/Misc.23/Rev.1) (continued)

38. The CHAIRMAN invited the Committee to resume its consideration of the draft concluding observations concerning the fourteenth periodic report of Nepal.

Paragraph 7

39. Mr. LECHUGA HEVIA (Country Rapporteur) recalled that paragraph 7 had been left in abeyance. Mr. Aboul-Nasr had suggested two amendments to the paragraph: the word "applicability" in the second line should be replaced by "implementation" and the last word, "reservations", by "declaration", for consistency with the first line of the paragraph.

40. Paragraph 7, as amended, was adopted.

Paragraphs 8 and 9

41. Paragraphs 8 and 9 were adopted.

Paragraph 10

42. Mr. DIACONU said that the word "discussion" should be replaced by "information" in the third line. In general, the text of the paragraph was too long and the third sentence, beginning "It is a fact ..." might be deleted, since the idea was covered by the following sentences. It would suffice then to state: "The Committee reiterates its previous recommendations that the State party provide information in subsequent reports on the practical implementation and monitoring of articles 4, 5 and 6 of the Convention, including on investigations, prosecutions and consequent decisions." The rest of the paragraph could consequently be deleted.

43. Mr. LECHUGA HEVIA (Country Rapporteur) said that the proposed amendments were acceptable.

44. Paragraph 10, as amended, was adopted.

Paragraph 11

45. Mr. DIACONU proposed that the opening words "Since the submission of the last report" should be deleted, and that the first sentence should be amended to read: "The Committee remains concerned at the existence of caste-based discrimination and the denial which this system imposes on some segments of the population". The second and third sentences should be merged by amending the latter part of the second sentence to read: "... to eradicate the practice of the caste system, including measures for the prevention of

caste-motivated abuse, and prosecution of State and private actors who are responsible for such abuses". The last sentence might be deleted, since the Committee was not in a position to make a recommendation of that kind given the situation in Nepal.

46. Mr. ABOUL-NASR queried the use of the word "system" in the first and second sentences, suggesting that "practice" might be more appropriate. He would prefer the focus of the paragraph to be more on encouraging the State party to help in eradicating the practice in question.

47. Mr. BOSSUYT suggested that the term "system" could be replaced by "practice" in the first sentence, and the phrase "the practice of the caste system" by "caste-based discrimination" in the second sentence.

48. Mr. NOBEL questioned whether the term "caste system" was in fact incorrect. It was based on a set of traditional rules and did therefore constitute a system.

49. Mr. SHAHI confirmed that the term "caste system" was correct. It was commonly used in India, Pakistan and elsewhere, for instance with reference to Hindu law.

50. The CHAIRMAN added that Nepal had referred to a caste system in its report.

51. Mr. ABOUL-NASR withdrew his proposal.

52. Mr. LECHUGA HEVIA (Country Rapporteur) accepted the proposal made by Mr. Diaconu. However, the last sentence of the paragraph should be retained given the historical and cultural difficulties faced by Nepal, which should be encouraged to take affirmative measures.

53. Mr. DIACONU, Mr. BRYDE and Ms. JANUARY-BARDILL supported the proposal to retain the last sentence.

54. Mr. SHAHI said that if ever affirmative action were justified, that was true in the case of Nepal. Such action had been practised since colonial times, an example being the reference to scheduled castes in the 1935 Indian Constitution and the quotas subsequently introduced. It was necessary for the Committee to understand the historical background before it decided on the wording to be used.

55. Paragraph 11, as amended, was adopted.

Paragraph 12

56. Mr. DIACONU observed that the enjoyment of economic and social rights in rural areas was not relevant to the Convention. If the paragraph was to be maintained, he suggested that the first part should be deleted, and the paragraph should begin with the words "The Committee emphasizes that the State party is responsible for ensuring ...".

57. Mr. SHAHI endorsed Mr. Diaconu's proposal. The question of how to ensure equal development throughout a country, including its rural areas, was highly complex and sensitive. Even the World Bank and the International Monetary Fund were often unable to offer any effective policy guidance in that regard.

58. Mr. de GOUTTES supported the idea of deleting the first part of the paragraph. Unless the rural areas in question were populated predominantly by ethnic minorities, there was no reason to raise the matter in the concluding observations.

59. Paragraph 12, as amended, was adopted.

Paragraph 13

60. Mr. DIACONU proposed that the last sentence should be deleted. It was not for the Committee in its concluding observations to recommend that States should accede to international instruments other than the Convention.

61. Mr. ABOUL-NASR said that, if the last sentence were maintained, he would like to know which international instruments relating to the protection of refugees were in question.

62. Mr. de GOUTTES said he would be reluctant to delete the last sentence. The ratification of the Geneva Convention relating to the Status of Refugees was of the utmost importance for the work of the Office of the United Nations High Commissioner for Refugees (UNHCR). Instead of encouraging the State party to accede to the instruments, perhaps the sentence could be amended to read "The Committee reminds the State party of the importance that it attaches to accession to the international instruments relating to the protection of refugees".

63. Mr. SHAHI pointed out that many Nepalese speakers at various seminars on human rights had drawn attention to the need for protection to be afforded to Bhutanese refugees. The problems of refugees in Nepal included an ethnic element. The sentence should be maintained, as amended by Mr. de Gouttes.

64. The CHAIRMAN, speaking as a member of the Committee, noted that the paragraph referred to the absence of domestic legislative protection for such refugees. He saw no reason for the Committee to avoid mentioning the international instruments which addressed such matters.

65. He took it that the amendment put forward by Mr. de Gouttes was acceptable to the Committee.

66. Paragraph 13, as amended, was adopted

Paragraphs 14 to 17

67. The CHAIRMAN suggested that paragraphs 15 and 16 should be inverted in the text.

68. Paragraphs 14 to 17 were adopted, subject to the inversion of paragraphs 15 and 16.

Paragraph 18

69. Mr. de GOUTTES said that it would be inappropriate in August 2000 to call for the timely submission of a report which had fallen due on 1 March 2000. The Committee should decide whether in interpreting article 9 of the Convention it would consider that the deadline for the submission of the next periodic report should be two years after the submission of the previous periodic report, or two years after the consideration of that report. In his view, the latter would be preferable, since the oral presentations often served as thorough updates and were sometimes more informative than the periodic reports themselves.

70. Ms. ZOU Dei pointed out that since the Committee's inception the periodic reports had been due every two years. If the Committee wanted to change that practice to find a more meaningful formula in the light of past practice, perhaps it should hold a discussion on the question and draw up a new policy.

71. Mr. BOSSUYT, suggesting that the word "timely" should be deleted, pointed out that it was not the Committee which set the dates for the submission of periodic reports, but the provisions of the Convention. After 30 years of following the current practice, the Committee would be ill-advised to adopt new rules for the submission of reports. In addition, Mr. de Gouttes' proposal to make the date of submission of a periodic report contingent on the date of consideration of the previous report was inequitable, as certain States submitted reports very regularly and others did not. It would also make it difficult for the Committee to compare States' compliance with their reporting obligations in its own report. In the concluding observations, the Committee should simply request Nepal to submit the fifteenth periodic report as an updating report, for example together with the sixteenth periodic report, by the deadline for the latter.

72. The CHAIRMAN pointed out that the word "timely" should be deleted from paragraph 2 as well, as the fourteenth periodic report had also been submitted late.

73. Mr. BRYDE said that in a similar situation concerning another State party the Committee had simply left out any reference to a date when the next periodic report would fall due. He suggested that paragraph 18 should simply read "The Committee recommends that the next report should be an updating report, addressing all the points raised in the present observations".

74. Mr. de GOUTTES said he understood the very valid points raised by other members. However, while the Committee should observe the rules in the Convention, it should also be realistic. The date when the report fell due should be mentioned so as to underscore the importance of respecting the schedule. The concluding observations should clearly state that the next periodic report must be submitted within two years of the current session.

75. The CHAIRMAN said that the Committee had already considered many reports that had been submitted late, and that it had established a practice for the wording of concluding observations in such cases. When a State was late in submitting its periodic report, the Committee could mention that fact, along with the date when that report had been due, in the introduction to its concluding observations.

76. Mr. de GOUTTES proposed that the Committee should state in paragraph 2 of the introduction that the report should have been submitted on 1 March 1998. The reference in paragraph 18 to the deadline for submission of the fifteenth periodic report could be deleted.

77. Mr. BOSSUYT said that the word "timely" should still be deleted from paragraph 18.

78. The CHAIRMAN said he took it that the Committee wished to adopt the paragraph as amended by Mr. de Gouttes and Mr. Bossuyt.

79. Paragraph 18, as amended, was adopted.

80. The concluding observations concerning the fourteenth periodic report of Nepal as a whole, as amended, were adopted.

81. Mr. ABOUL-NASR observed that during consideration of almost all the reports received, in particular those from countries receiving asylum-seekers and foreign workers in Europe, States parties had been interested only in informing the Committee of their respect for the human rights of the people concerned. No State party had ever said that such individuals were necessary for or an important element of their efforts to strengthen the national economy. The integration of migrant workers for economic purposes was a two-way process and, consequently, States parties should do more than simply to demonstrate their generosity to economic migrants.

82. Mr. BOSSUYT said that a clear distinction should be made between immigration on economic grounds and the granting of refugee status under the 1951 Convention relating to that status. Asylum-seekers who claimed to seek protection from persecution on one of the grounds enumerated in the Convention could not also be economic migrants. Too often the concepts in question were confused, given that those seeking asylum did so also for economic reasons. Immigration on economic grounds was necessary but those who were refused asylum should not be offered employment as an alternative. The confusion that had so often arisen should be avoided at all costs.

83. Mr. ABOUL-NASR said that, without wishing to open a debate, he believed it should be made clear that the process of economic integration should be to the benefit of both States parties and the immigrants concerned.

The meeting rose at 12.45 p.m.